

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

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THE DEPOSITION OF RANDALL

ALLEN, produced as a witness on behalf of the
Plaintiff in the above styled and numbered cause,
taken on the 12th day of March, 2007, in the City of
West Siloam Springs, County of Delaware, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

Mr. Richard Garren
Attorney at Law
502 West 6th Street
Tulsa, OK 74119
-and-

Mr. Randall Miller
Attorney at Law
222 South Kenosha
Tulsa, OK 74120

FOR TYSON FOODS:

Ms. Eric Thompson
Attorney at Law
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FOR CARGILL:

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FOR SIMMONS FOODS:

Ms. Candace L. Taylor
Attorney at Law
211 East Dickson Street
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FOR PETERSON FARMS:

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FOR POULTRY PARTNERS:

Mr. D. Kenyon Williams
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1 FOR GEORGE'S:

Mr. Paul Thompson
Attorney at Law
221 North College
Fayetteville, AR 72701

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1 (Whereupon, the deposition began at
2 9:02 a.m.)

3 RANDALL ALLEN
4 having first been duly sworn to testify the truth,
5 the whole truth and nothing but the truth, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. MILLER:

9 Q We start these things off by asking you to
10 state your full name.

09:02AM

11 A The legal name?

12 Q Yes.

13 A Randall Eugene Allen.

14 Q In fact, if you would, please -- this thing
15 looks funny but it's an ink pen. Would you do me a
16 favor and write your name like you would normally
17 sign it twice on that piece of paper for me.

09:03AM

18 A Like I sign a check?

19 Q Yes, sir, regular signature.

20 MR. WILLIAMS: May I inquire, Counsel,
21 what's the purpose for asking him to sign his name?

09:03AM

22 MR. MILLER: I just wanted to see how good
23 his penmanship is.

24 A It's not very good. Sign it twice?

25 Q Yes, please, just one below the other.

09:03AM

1 growers are doing what the -- applying what the law
2 allows?

3 A Those that I know and am aware of -- you know,
4 I don't look at everybody's records but, you know,
5 they've led me to believe that they're doing what
6 the law tells them to do.

10:35AM

7 Q How many would you say you've gotten that kind
8 of information from as to whether or not they are
9 doing what the -- they're applying what the law
10 allows?

10:35AM

11 A I couldn't give you a number, you know,
12 just --

13 Q Five?

14 A Oh, probably more than that, you know, just
15 talking about your operations at church and, you
16 know, they're doing what -- trying to do what the
17 law tells them to do.

10:35AM

18 Q Do you know of any poultry growers out there
19 that are applying more than the law allows?

20 A No, I don't know of any.

10:36AM

21 Q Have you asked any of them if they're doing
22 that?

23 A No, I have not.

24 Q Nobody's volunteered it to you?

25 A No.

10:36AM

1 Q How much did he pay you a ton to haul it if
2 you can remember?

3 A I can't remember for sure. Probably 10 or \$15
4 a ton.

5 Q What's this fellow's name? 11:36AM

6 A That we were helping?

7 Q That you hauled for?

8 A Jerry Londigan.

9 Q Who does he grow for if you know?

10 A He's not a grower. 11:36AM

11 Q What was he doing with the manure then?

12 A He was -- that's kind of what he does. He
13 buys and sells litter.

14 Q Stacks it up on his place and then sells it
15 out? 11:36AM

16 A He doesn't stack it up. Of course, usually if

17 it's in the Eucha watershed, you know, he goes

18 through the proper channels, gets ahold of the waste

19 management team and gets a nutrient management plan

20 set up and this litter is going here, and if it's 11:36AM

21 out of the watershed, he just finds people that

22 wants litter and just finds litter and sells it to

23 them after he's got the proper paperwork before he

24 does it.

25 Q Have you checked his paperwork to make sure 11:37AM

1 sir?

2 A Yes.

3 Q Do you recall where you hauled the manure away
4 for Yer Yang?

5 A Yes. 11:49AM

6 Q Where did you haul it to?

7 A The guy's name is Shane Wakeland.

8 Q Where is Mr. Wakeland's place?

9 A North of Jay.

10 Q Still in the Eucha watershed? 11:49AM

11 A No. It's in the Grand watershed.

12 Q Is Mr. Wakeland a Peterson grower?

13 A No. He's got some land and some cattle.

14 Q Did you just haul manure for Mr. Yer Yang

15 once? I guess it's Mr. Yang, isn't it? 11:49AM

16 A Yeah. I think we did that a couple of years.

17 Q Did you test the manure that you were hauling,

18 I mean do any kind of chemical test?

19 A Excuse me.

20 MR. MILLER: Off the Record. 11:50AM

21 (Whereupon, a discussion was held off
22 the Record.)

23 Q Did you do any kind of analysis or have any

24 kind of analysis done on Yer Yang's poultry manure

25 before you hauled it? 11:50AM

1 Q The eagle snatched them and that's an avian
2 disease, something that other birds could carry and
3 get?

4 A I couldn't tell you that.

5 Q I wanted to show you something else here. Are 01:32PM
6 there still eagles around your place, Mr. Allen?

7 A Don't see very many. Of course, we hadn't had
8 a catastrophe loss to have been over there to bury
9 them.

10 Q You haven't heard they got sick and died? 01:33PM

11 A No.

12 Q The court reporter has handed you Allen
13 Exhibit 13. Have you ever heard of Bush Valley
14 Farms?

15 A No, I haven't. 01:33PM

16 Q You have not?

17 A Not that I recall.

18 Q You ever known Peterson Farms to give a grower
19 of the year award?

20 A Yeah, I've heard that they recognize the 01:33PM
21 grower of the year.

22 Q Do you know what the grower of the year --
23 what it takes to be a grower of the year?

24 A To be the best and probably have the lowest
25 cost. 01:34PM

1 companies are treating their growers?

2 A I don't know if it's helpful. Probably not.

3 I mean it's -- I mean you're -- it's your choice as

4 a poultry grower to be in the business and, you

5 know, either you like it or you don't like it, and

02:04PM

6 it really doesn't matter what other people -- you

7 know, it's just interesting to maybe know what

8 they're going through or -- but, no.

9 Q I was really thinking about whether one

10 company was known to treat their growers better than

02:05PM

11 another, that kind of thing.

12 A Yeah.

13 Q Is that something that as a director and

14 long-time poultry grower you hear about with your

15 other fellow growers?

02:05PM

16 A Through the years, yeah. You say -- you talk

17 to somebody, well, I'm not happy and I'm happy and

18 this and that. There's lots of times -- not a lot

19 of times but I'd say most of the times sometimes it

20 stems back to how much effort the farmer is putting

02:05PM

21 into his operation, you know, how he's being

22 treated.

23 Q Do you as a poultry -- as a director in the

24 Poultry Partners group, is there any discussions

25 that you've been a witness to concerning the prices

02:05PM

1 A It was taken to Grand because that was closer.

2 Q Over time has your dad had more chicken houses
3 in operation, like maybe four or five or six?

4 A Yes.

5 Q How long ago was it that he had more than two 02:28PM
6 in operation?

7 A Oh, probably three, four years ago, his old
8 home place.

9 Q Is getting rid of this poultry manure part of
10 the reason he shut some of his houses down? 02:29PM

11 MR. WILLIAMS: Object to the form.

12 A No. Just age of the poultry houses and wanted
13 to slow down. He's getting semi-retired I guess you
14 might say.

15 Q Is getting rid of this poultry manure now, is 02:29PM
16 that a hard thing for you to do flock in and flock
17 out or year in and year out?

18 MR. McDANIEL: Object to the form.

19 A At times but, you know, we get calls a lot,
20 you know, people wanting to buy poultry litter that 02:29PM

21 raise cattle or hay, and in the Eucha watershed
22 since we're under different rules than anywhere
23 else, sometimes it's a little bit of a pain or a
24 problem I might say. Of course, we have to go

25 through the waste management team. In other words, 02:30PM